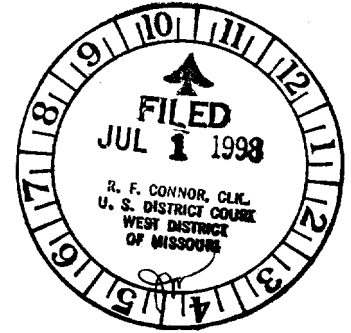


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION



B. JEAN WEBB,

Plaintiff,

v.

CITY OF REPUBLIC, MISSOURI,

Defendant.

Case No. \_\_\_\_\_

**98-330 6-CV-S-RGC**

COMPLAINT

Count I

1. This suit seeks a judicial determination that defendant has adopted and maintained a city seal that violates the First and Fourteenth Amendments to the United States Constitution, specifically the Establishment Clause of the First Amendment.

2. This action arises under the Constitution of the United States and the provisions of 42 U.S.C. § 1983. The jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(a), and pursuant to 42 U.S.C. § 1983. Jurisdiction is also conferred and authorized by 28 U.S.C. §§ 2201 and 2202.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b).

4. Plaintiff B. Jean Webb is a resident and taxpayer of the City of Republic, Missouri.

5. Defendant City of Republic, Missouri (hereafter "Republic," "City" or "defendant") is a municipal corporation and a political subdivision of the State of Missouri.

ORIGINAL

Document # 1

6. In or about 1990, defendant adopted a City seal, which has an elliptical shape and is divided into four quadrants, each containing a picture. Clockwise from the upper left, the quadrants contain: (1) an outline of the State of Missouri with a star in the southwest corner noting the location of Republic; (2) an outstretched hand; (3) a silhouette of a family; and (4) a symbol of a fish.

7. The fish symbol used in defendant's seal is an unambiguous symbol of Christianity.

8. Since defendant's adoption of the seal, the City has prominently displayed the seal on city property and documents. There are or have been depictions of the seal on City buildings, facilities, flags, signs, vehicles, stationery, letterhead and envelopes, and forms. The City's use of the seal is pervasive and frequent.

9. Plaintiff has regularly seen the City's seal on signs, documents, and other places. Plaintiff and others who view or are exposed to the City's seal reasonably understand the seal's inclusion of a fish symbol as an endorsement of religion by the City.

10. The City's adoption and use of a seal which incorporates religious symbols does, in fact, constitute an endorsement and support of religion by the City in violation of the First and Fourteenth Amendments to the United States Constitution.

11. The City's actions in adopting and maintaining the City seal were and continue to be taken under color of state law as defined in 42 U.S.C. § 1983.

12. The actions of the City in adopting and using the seal constitute an ordinance, regulation, custom, usage, or policy for purposes of 42 U.S.C. § 1983, which renders the City liable for actual damages for violation of plaintiff's civil rights.

13. As a result of the City's adoption and maintenance of a seal containing a Christian religious symbol, plaintiff has suffered distinct and palpable injuries, including but not limited to the following: (1) Plaintiff moved to Republic from another town hoping to find a community more tolerant of her non-Christian religious beliefs. Upon seeing the City's seal containing the fish symbol, however, plaintiff feared that her non-Christian religious practices and beliefs would be unwelcome and would not be tolerated and that she and her children would be harassed and ostracized if plaintiff's religious beliefs became known. As a result of these fears created by the City seal's depiction of a Christian religious symbol, plaintiff altered her religious practices in an attempt to avoid such consequences. Among other things, plaintiff concealed her religious beliefs from others and told her children not to discuss their religion and to deny their true religious beliefs if asked about the subject. (2) In her capacity as a writer for the local newspaper (The Republic Monitor), plaintiff wrote an editorial opposing the

City seal and, as a result, received hate mail and harassing, belligerent telephone calls and personal contacts from citizens with different views on the subject. (3) Contrary to plaintiff's religious beliefs and personal conscience, plaintiff's former employer (*The Republic Monitor*) required plaintiff to sell T-shirts to support fund-raising efforts for the legal defense of the City seal, and--in part because of her opposition to the City's seal--was forced to resign her job at the local newspaper. These incidents caused plaintiff damage, including but not limited to loss of income and emotional distress. (4) In addition, plaintiff and her children have been harassed as a result of plaintiff's opposition to the City's seal. Such harassment has caused plaintiff to suffer emotional distress, upset, and worry. (5) The dispute over the City seal has stirred up an atmosphere of religious intolerance among some people in the community, and that intolerance has made plaintiff even more fearful of practicing her religion in accordance with her rights under the Free Exercise Clause of the First Amendment.

14. Plaintiff pays sales and other taxes or fees to the City and is directly and adversely affected financially by the City's use of public funds to maintain and promote the City's various representations of the seal. This use of public funds to support such an endorsement of religion constitutes a serious insult to plaintiff's religious and spiritual sensibilities and directly injures them.

15. Plaintiff objects to the City's endorsement of religion and use of public funds to support such an endorsement.

16. Plaintiff has no adequate remedy at law, and unless this court grants the injunctive and declaratory relief herein requested, plaintiff will be unable to exercise her rights and will thus be irreparably damaged.

#### Count II

17. Plaintiff repeats and realleges the allegations made in Paragraphs 1 through 16 of Count I as if fully set forth in paragraph 17 of Count II.

18. By adopting and maintaining the City seal, defendant is violating Article I, §§ 6 and 7 of the Constitution of Missouri, 1945.

19. The court has jurisdiction over this state law claim under the doctrine of pendent or supplemental jurisdiction. 28 U.S.C. § 1367(a).

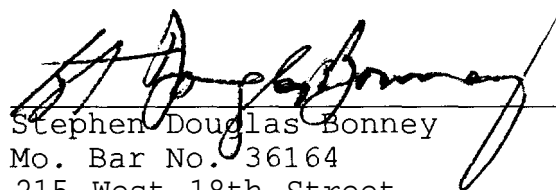
WHEREFORE, on each Count of this Complaint, plaintiff respectfully requests that this court grant the following relief:

A. A declaratory judgment finding that the City's adoption and use of its seal is unconstitutional and violates the rights of plaintiff under the First and Fourteenth Amendments to the United States Constitution and under Art. I, §§ 6 and 7 of the Missouri Constitution;

B. Actual damages from the City for violations of plaintiff's rights under the United States and Missouri Constitutions in an amount to be determined by the court;

C. Preliminary and permanent injunctions preventing and restraining defendant, and its officers, employees, agents, and others in concert with them, from further use, adoption, endorsement, or display of the current seal in any way, form, fashion, or method, and from use, adoption, endorsement, or display of any other seal which contains religious symbols; and

D. Such other orders and further relief, including an award of costs and attorney's fees, as this court deems just and equitable.



Stephen Douglas Bonney  
Mo. Bar No. 36164  
215 West 18th Street  
Kansas City, MO 64108  
Tel. (816) 221-2868  
Fax: (816) 421-0255  
COOPERATING ATTORNEY, AMERICAN  
CIVIL LIBERTIES UNION FOUNDATION  
OF WESTERN MISSOURI  
ATTORNEY FOR PLAINTIFF

# CIVIL COVER SHEET

The JS-44 Civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

B. Jean Webb

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Green  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Stephen Douglas Bonney  
215 W. 18th Street  
Kansas City, MO 64108  
221-2868

## DEFENDANTS

City of Republic, Missouri

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☒ 1 ☐ 1 PTF DEF  
Citizen of Another State ☐ 2 ☐ 2 PTF DEF  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 PTF DEF  
Incorporated of Principal Place of Business In This State ☐ 4 ☐ 4 PTF DEF  
Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5 PTF DEF  
Foreign Nation ☐ 6 ☐ 6 PTF DEF

## IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 160 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 360 Other Personal Property Damage <input type="checkbox"/> 365 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 661 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 26 USC 158 <input type="checkbox"/> 423 Withdrawal 26 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 661 HIA (1395f) <input type="checkbox"/> 662 Black Lung (B23) <input type="checkbox"/> 663 DIWC/DIWW (405(g)) <input type="checkbox"/> 664 SSID Title XVI <input type="checkbox"/> 665 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 670 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 671 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 650 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 691 Agricultural Acts <input type="checkbox"/> 662 Economic Stabilization Act <input type="checkbox"/> 693 Environmental Matters <input type="checkbox"/> 664 Energy Allocation Act <input type="checkbox"/> 695 Freedom of Information Act <input type="checkbox"/> 800 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 660 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Ten Product Liability <input type="checkbox"/> 260 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 443 Employment Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 760 Other Labor Litigation <input type="checkbox"/> 761 Empl Ret Inc Security Act		

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

42 USC Sec. 1983. This action challenges the constitutionality of defendant's City seal.

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

## VIII. RELATED CASE(S) (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_